

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 11, ARTICLE 3 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLES 2, 3, AND 5 BY REPEALING SECTIONS 122.0103, 122.0104, 123.0104, AND 125.0442; AMENDING CHAPTER 12, ARTICLE 6 BY AMENDING SECTIONS 126.0602 AND 126.0604; AMENDING CHAPTER 13, ARTICLE 1 BY ADDING SECTION 131.0105 AND FIGURE 131-01A AND BY AMENDING SECTIONS 131.0240, 131.0340, 131.0403; AND AMENDING CHAPTER 14, ARTICLES 1-4 BY AMENDING SECTIONS 141.0312, 141.0313, 141.0403, 141.0407, 141.0411, 141.0412, 141.0413, 141.0504, 141.0605, 141.0608, 141.0618, 141.0625, 141.0902, 142.0505, 142.0525, 142.0535, 142.0670, 142.1303, 143.0115, 143.0402, 143.0420, 143.0430, 143.0440, 143.0450, 143.0915, 143.0213, 144.0206 OF THE SAN DIEGO MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM, ALL TO IMPLEMENT THE COMPREHENSIVE 2008 GENERAL PLAN UPDATE.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 113.0103 to read as follows:

§113.0103 Definitions

Abutting property through Permit holder (No change)

Planned Urbanized Communities include recently developed and developing communities characterized by urban or suburban levels of density and intensity. *Planned Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Premises through Proposed grade (No change)

Proposition A Lands include lands characterized by very low density, residential, open space, natural resource based park or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A, the Managed Growth Initiative of 1985. *Proposition A Lands* are one of the Development Character Areas represented on Figure 131-01A.

[Editors Note: Refer to the Land Use and Community Planning Element of the 2008 General Plan for further description of the former future urbanizing land designation, the current Development Character Areas, and Proposition A, the Managed Growth Initiative.]

Public improvement through Underground parking structure (No change)

Urbanized Communities include the central portion of the City and are characterized by the established, built-out neighborhoods and downtown core. *Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Vehicular use area through Yard (No change)

Section 2. That Chapter 12, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 122.0103 and 122.0104.

Section 3. That Chapter 12, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 123.0104.

Section 4. That Chapter 12, Article 5, Division 4 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 125.0442.

Section 5. That Chapter 12, Article 6, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 126.0602 and 126.0604 to read as follows:

§126.0602 When a Planned Development Permit May Be Requested

- (a) (No change)
- (b) The following types of *development* may be requested with a Planned Development Permit to be decided in accordance with Process Four.
 - (1) (No change)
 - (2) (No change)
 - (3) *Developments* involving a Planned Development Permit within RS zones in *Urbanized Communities* as described in Section 143.0402.
- (c) (No change)

§126.0603 (No change)

§126.0604 **Findings for Planned Development Approval**

A Planned Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0604(a) and the supplemental *findings* in Section 126.0604(b) that are applicable to the proposed *development* as specified in this section.

(a) (No change)

(b) Supplemental Findings--*Proposition A Lands*

A project involving rural cluster in the AR-1-1 zone or the OR-1-12 zone within *Proposition A Lands* where increased *density* is proposed may be approved or conditionally approved only if the decision maker makes the following supplemental *findings* in addition to the *findings* in Section 126.0604(a):

(1) The proposed *development* will assist in accomplishing the goal of permanently preserving lands designated as part of the *MHPA* through the provision of public and private open space easements or *dedications*;

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

- (7) Within *Proposition A Lands*, the proposed *development* will be consistent with the approved subarea plan; and
- (8) (No change)

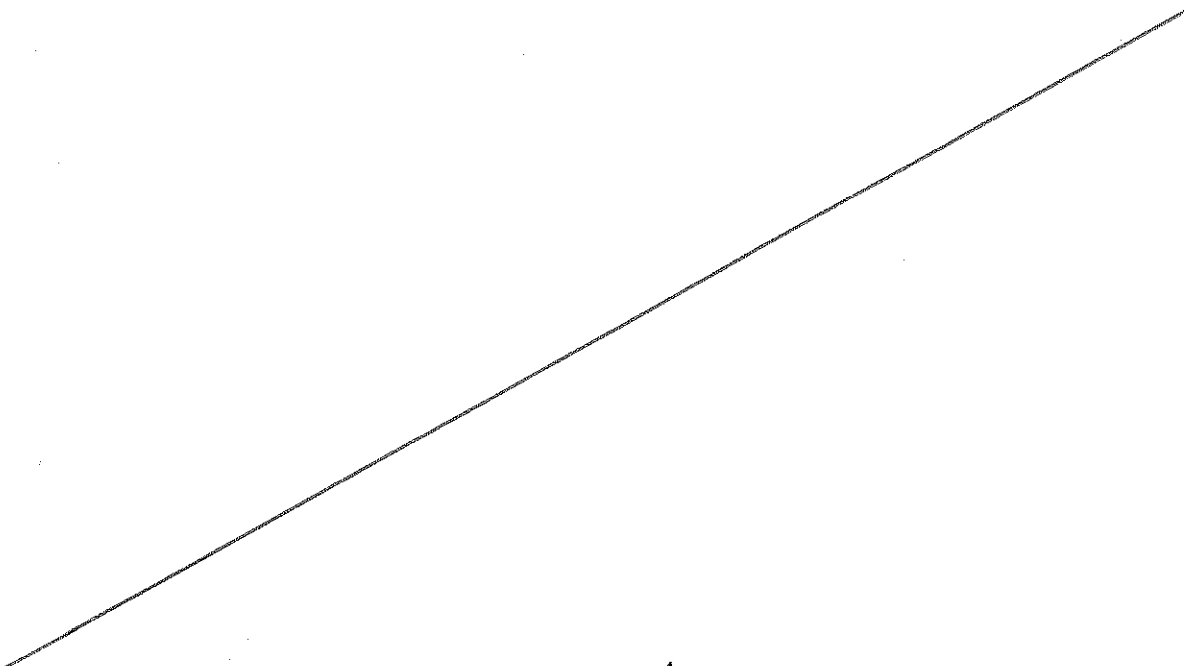
Section 6. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 131.0105 and Figure 131-01A to read as follows:

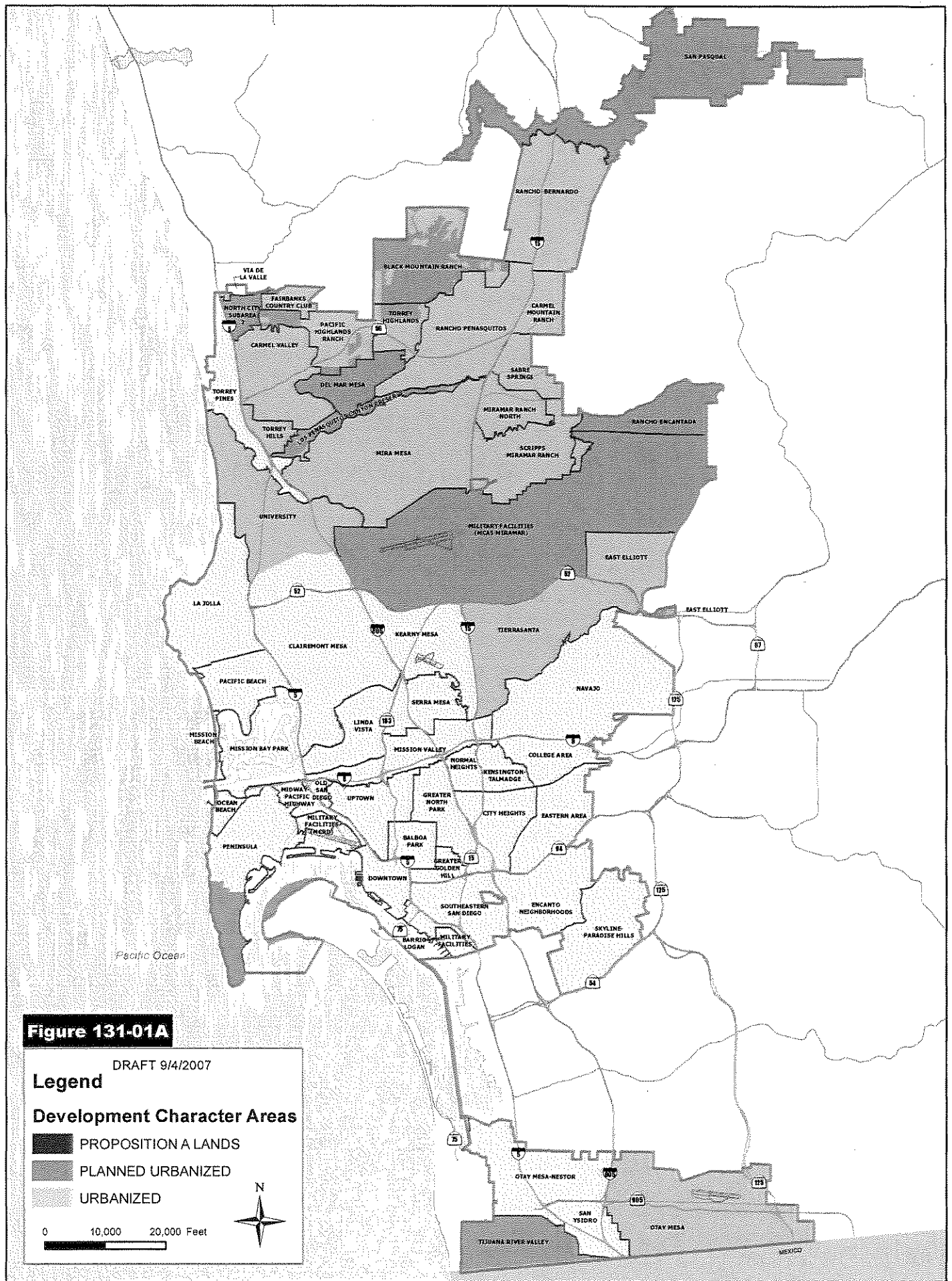
§131.0105 Development Character Areas

Development Character Areas are established to ensure that appropriate *development* regulations are applied to community plan areas based upon their age and geographic location and include *Proposition A Lands*, *Planned Urbanized Communities*, and *Urbanized Communities*. Development Character Area boundaries generally follow community plan area boundaries except in the case of University City, which falls into two Development Character Areas. Development Character Areas are represented on Figure 131-01A.

Figure 131-01A

Development Character Areas





Section 7. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0240 to read as follows:

§131.0240 Maximum Permitted Residential Density in Open Space Zones

- (a) (No change)
- (b) Within the OR-1-2 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster development through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) Within *Proposition A Lands*, an increase in *density* of up to one *dwelling unit* per 4 acres of *lot* area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity.

Section 8. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0340 to read as follows:

§131.0340 Maximum Permitted Residential Density in Agricultural Zones

- (a) Within the AR-1-1 zone, an exception to the permitted residential *density* of one *single dwelling unit per lot* may be requested as a rural cluster *development* through a Planned Development Permit in accordance with Process Four subject to the following:
 - (1) (No change)

- (2) (No change)
- (3) (No change)
- (4) Within *Proposition A Lands*, except within the Del Mar Mesa Specific Plan area, an increase in *density* of up to one *dwelling unit* per 4 acres of *lot* area may be requested through a Planned Development Permit in accordance with Process Five subject to the regulations in Section 143.0402. The remainder of the *premises* shall be left undeveloped in perpetuity. For *development* within the Del Mar Mesa Specific Plan area, the rural cluster option is not available, and the maximum permitted *density* is that identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance O-18377.

- (b) (No change)

Section 9. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Section 131.0403 to read as follows:

§131.0403 Purpose of the RS (Residential--Single Unit) Zones

- (a) (No change)
- (b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an *Urbanized Community* or a *Planned Urbanized Community* or within *Proposition A Lands*, as follows:
- (1) *Urbanized Communities*
- RS-1-1 requires minimum 40,000-square-foot *lots*
 - RS-1-2 requires minimum 20,000-square-foot *lots*
 - RS-1-3 requires minimum 15,000-square-foot *lots*
 - RS-1-4 requires minimum 10,000-square-foot *lots*

- RS-1-5 requires minimum 8,000-square-foot *lots*
- RS-1-6 requires minimum 6,000-square-foot *lots*
- RS-1-7 requires minimum 5,000-square-foot *lots*

(2) *Planned Urbanized Communities or Proposition A Lands*

- RS-1-8 requires minimum 40,000-square-foot *lots*
- RS-1-9 requires minimum 20,000-square-foot *lots*
- RS-1-10 requires minimum 15,000-square-foot *lots*
- RS-1-11 requires minimum 10,000-square-foot *lots*
- RS-1-12 requires minimum 8,000-square-foot *lots*
- RS-1-13 requires minimum 6,000-square-foot *lots*
- RS-1-14 requires minimum 5,000-square-foot *lots*

Section 10. That Chapter 14, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0312 and 141.0313 to read as follows:

§141.0312 Residential Care Facilities

Residential care facilities provide in-house treatment or rehabilitation programs for residents on a 24-hour basis. Residential care facilities include drug and alcohol rehabilitation and recovery facilities and residential and community care facilities as defined by the state or county. Housing for senior citizens, nursing homes, convalescent homes, work furlough and probationary residential facilities, and emergency shelters are not residential care facilities.

Residential care facilities for 7 to 12 persons may be permitted with a Conditional Use Permit decided in accordance with Process Three, and residential care facilities for 13 or more persons may be permitted with a Conditional Use Permit decided in accordance with Process Four, in the zones indicated with a "C" in the Use

Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Residential care facilities are not permitted in agricultural zones in

Proposition A Lands.

- (b) (No change)

- (c) (No change)

- (d) (No change)

- (e) (No change)

- (f) (No change)

- (g) (No change)

- (h) (No change)

- (i) (No change)

- (j) (No change)

§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to transitional housing facilities.

- (a) Transitional housing is not permitted in agricultural zones in *Proposition A*

Lands.

- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)
- (i) (No change)

Section 11. That Chapter 14, Article 1, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0403, 141.0407, 141.0411, and 141.0412, 141.0413 to read as follows:

§141.0403 Cemeteries, Mausoleums, and Crematories

Cemeteries, mausoleums, and crematories may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Cemeteries, mausoleums, and crematories are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

(g) (No change)

§141.0407 Educational Facilities--Schools for Kindergarten to Grade 12 and Colleges/Universities

Educational facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

§141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed

Historical buildings occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) In *Proposition A Lands*, a Conditional Use Permit shall not be approved for *historical buildings* occupied by uses not otherwise allowed.

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

(g) (No change)

(h) (No change)

§141.0412 Homeless Facilities

(a) (No change)

(b) (No change)

(c) Emergency Shelters

Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.

(1) Emergency shelters are not permitted in *Proposition A Lands*.

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(7) (No change)

(8) (No change)

(9) (No change)

§141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a “C” in the Use

Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) These facilities are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

Section 12. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Section 141.0504 to read as follows:

§141.0504 Swap Meets and Other Large Outdoor Retail Facilities

Swap meets and other large outdoor retail facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Swap meets and other large outdoor retail facilities are not permitted in agricultural zones in *Proposition A Lands* or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) (No change)

Section 13. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 141.0605, 141.0608, 141.0618, and 141.0625 to read as follows:

§141.0605 Camping Parks

Camping parks may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in *floodplains* or in agricultural zones in *Proposition A Lands* or in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) No change)
- (f) (No change)
- (g) (No change)
- (h) (No change)

§141.0608 Fairgrounds

Fairgrounds may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Fairgrounds are not permitted in agricultural zones in *Proposition A Lands*.

Fill or permanent buildings are not permitted in *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.

- (b) (No change)

- (c) (No change)

- (d) (No change)

- (e) (No change)

- (f) (No change)

§141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

Privately operated, outdoor recreational facilities over 40,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in *Proposition A Lands*, or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.

- (b) (No change)

- (c) (No change)

- (d) (No change)

- (e) (No change)

- (f) (No change)

- (g) (No change)

§141.0625 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Veterinary clinics and hospitals are not permitted in agricultural zones in *Proposition A Lands*, except as an accessory use within a zoological park, or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)

Section 14. That Chapter 14, Article 1, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending Section 141.0902 to read as follows:

§141.0902 Junk Yards

Junk yards may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Junk yards are not permitted in agricultural zones in *Proposition A Lands*, or within *floodplains* located in the Coastal Overlay Zone.
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)

Section 15. That Chapter 14, Article 2, Division 5 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 142.0505, 142.0525, and 142.0535 to read as follows:

§142.0505 When Parking Regulations Apply

These regulations apply in all base zones and planned districts, with the exception of those areas specifically identified as being exempt from the regulations, whether or not permit or other approval is required. Table 142-05A identifies the applicable regulations and the type of permit required by this division, if any, for the type of development shown.

**Table 142-05A
Parking Regulations Applicability**

Type of Development Proposal	Applicable Regulations	Required Permit Type/ Decision Process
<i>Any single dwelling unit residential development</i>	Sections 142.0510 , 142.0520 and 142.0560	No permit required by this division
<i>Any multiple dwelling unit residential development</i>	Sections 142.0510, 142.0525 and 142.0560	No permit required by this division
<i>Any nonresidential development</i>	Sections 142.0510, 142.0530, and 142.0560	No permit required by this division
<i>Multiple dwelling unit projects in Planned Urbanized Communities that are processing a Planned Development Permit.</i>	Section 142.0525(c)	No permit required by this division
<i>Condominium conversion</i>	Section 142.0525(a)	No permit required by this division
<i>Off-premises parking for development in Urbanized Communities.</i>	Section 142.0535	No permit required by this division
<i>Commercial uses on small lots</i>	Section 142.0540(a)	No permit required by this division
<i>Nonresidential developments that exceed maximum permitted parking</i>	Section 142.0540(b)	Neighborhood Development Permit /Process Two
<i>Nonresidential developments that vary from minimum parking requirements with a TDM Plan</i>	Section 142.0540(c)	Site Development Permit/Process Three
<i>Shared parking for specified uses</i>	Section 142.0545	No permit required by this division
<i>Shared parking for nonspecified uses</i>	Section 142.0545(b)(7)	Neighborhood Development Permit/ Process Two
<i>Tandem Parking for commercial uses</i>	Section 142.0555(b)	Neighborhood Development Permit/ Process Two

§142.0525 Multiple Dwelling Unit Residential Uses — Required Parking Ratios

- (a) (No change)
- (b) (No change)

- (c) Common Area Parking Requirement. The common area parking requirement applies to *multiple dwelling unit developments* that are located in *Planned Urbanized Communities* and that are processed in conjunction with a Planned Development Permit. The following standards will be applied by the decision maker when common area parking is required.

(1) (No change)

(2) (No change)

(3) (No change)

(4) (No change)

- (d) (No change)

§142.0535 Off-Premises Parking Regulations in Urbanized Communities

Required *off-street parking spaces* for uses in *Urbanized Communities* may be located *off-premises*, subject to the following regulations.

(a) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

Section 16. That Chapter 14, Article 2, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending Section 142.0670 to read as follows:

§142.0670 Standards for Public Improvements

- (a) Streetscape and *street* improvements shall be constructed in accordance with the applicable adopted Council Policies, the standards established in the Land Development Manual, and the following regulations:

(1) For *Urbanized Communities*, the design of sidewalks shall be in *substantial conformance* with the historic design of sidewalks on adjacent properties including location, width, elevation, scoring pattern, texture, color, and material to the extent that the design is approved by the City Engineer, unless an alternative design is approved as part of a use permit or *development permit*. An alternative design also requires an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715.

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

(e) (No change)

(f) (No change)

Section 17. That Chapter 14, Article 2, Division 13 of the San Diego Municipal Code be and the same is hereby amended by amending Section 142.1303 to read as follows:

§ 142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

This Division is not applicable to the following:

(a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project

located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit*, as applicable.

Section 18. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0115 to read as follows:

§143.0115 Procedures and Regulations for Project-Specific Land Use Plans

- (a) Project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, proposed for sites where *environmentally sensitive lands* are present, are subject to the regulations in this section to ensure adequate analysis of the constraints and opportunities of the planning area relative to *environmentally sensitive lands*. The analysis of *environmentally sensitive lands* for project-specific *land use plans* will be conducted in accordance with either Section 143.0115(b) or (c) based on whether or not a Site Development Permit is processed concurrently with the project-specific *land use plan*. Within the Coastal Overlay Zone, a project-specific *land use plan* is subject to the *Local Coastal Program* amendment process.
- (b) (No change)
- (c) (No change)

Section 19. That Chapter 14, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0213 to read as follows:

§143.0213 Procedures and Regulations for Project-Specific Land Use Plans

- (a) The regulations in this division shall apply to project-specific *land use plans*, including specific plans, precise plans, privately initiated *land use plan* amendments, and *Proposition A Land* subarea plans, when *historical resources* are present. These regulations are applied in order to ensure an adequate analysis of the constraints and opportunities of the planning area relative to *historical resources*.
- (b) (No change)

Section 20. That Chapter 14, Article 3, Division 4 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 143.0402, 143.0420, 143.0430, 143.0440, and 143.0450 to read as follows:

§143.0402 When Planned Development Permit Regulations Apply

This division applies to all *development* proposals for which a Planned Development Permit is requested, in accordance with Table 143-04A.

**Table 143-04A
Supplemental Planned Development Permit Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process ⁽¹⁾
Residential <i>development</i> requesting deviations from applicable zone regulations ⁽²⁾	143.0403, 143.0410, 143.0420	PDP/Process 4
Commercial and Industrial <i>development</i> requesting deviations from applicable zone regulations	143.0403, 143.0410, 143.0460	PDP/Process 4
<i>Developments</i> within <i>land use plans</i> where a Planned Development Permit is recommended when other discretionary actions are requested	143.0403, 143.0465	PDP/Process 3
Rural cluster <i>development</i> in the AR and OR zones	143.0403, 143.0410, 143.0420, 143.0440	PDP/Process 4
Rural cluster <i>development</i> with increased density in the AR-1-1 and OR-1-2 zones within <i>Proposition A Lands</i> ⁽³⁾	143.0403, 143.0410, 143.0420, 143.0450	PDP/Process 5

Type of Development Proposal	Applicable Sections	Required Development Permit/Decision Process ⁽¹⁾
Residential development in RS zones of Urbanized Communities where a Planned Development Permit is requested	143.0403, 143.0410, 143.0420, 143.0430	PDP/Process 4

Footnotes to Table 143-04A

- 1 (No change)
 2 (No change)
 3 (No change)

§143.0420 Supplemental Planned Development Permit Regulations for Residential Development

In addition to the general regulations for all Planned Development Permits, the following supplemental regulations apply to all Planned Development Permits that include residential *development*, when identified in Table 143-04A:

(a) Open Space

- (1) For proposed *development* within the zones shown in the first column in Table 143-04B, the open space requirements shown in the second and third columns apply.

Table 143-04B
Open Space Requirements for Planned Development Permits

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
OR-1-1	--	4 ac
OR-1-2 ⁽³⁾	--	4 ac
AR-1-1 ⁽³⁾	--	2 ac
AR-1-2	--	17,400 sq. ft.
RE-1-1	--	4 ac
RE-1-2	--	2 ac
RE-1-3	--	17,400 sq. ft.
RS-1-1, RS-1-8	7,000 sq. ft.	14,000 sq. ft.
RS-1-2, RS-1-9	3,500 sq. ft.	7,000 sq. ft.
RS-1-3, RS-1-10	2,625 sq. ft.	5,250 sq. ft.
RS-1-4, RS-1-11	1,750 sq. ft.	3,500 sq. ft.
RS-1-5, RS-1-12	1,200 sq. ft.	2,400 sq. ft.
RS-1-6, RS-1-13	900 sq. ft.	1,800 sq. ft.
RS-1-7, RS-1-14	750 sq. ft.	1,500 sq. ft.
RX-1-1	625 sq. ft.	1,250 sq. ft.
RX-1-2	500 sq. ft.	1,000 sq. ft.
RM-1-1	500 sq. ft.	500 sq. ft.
RM-1-2	375 sq. ft.	375 sq. ft.
RM-1-3	300 sq. ft.	300 sq. ft.
RM-2-4	220 sq. ft.	220 sq. ft.
RM-2-5	190 sq. ft.	190 sq. ft.
RM-2-6	155 sq. ft.	155 sq. ft.

Zone	Minimum Usable Open Space Required per Dwelling Unit ⁽²⁾	Minimum Total Open Space Required per Dwelling Unit ⁽¹⁾
RM-3-7	125 sq. ft.	125 sq. ft.
RM-3-8	100 sq. ft.	100 sq. ft.
RM-3-9	90 sq. ft.	90 sq. ft.
RM-4-10	75 sq. ft.	75 sq. ft.
RM-4-11	75 sq. ft.	75 sq. ft.
RM-5-12	125 sq. ft.	125 sq. ft.

Footnotes for Table 143-04B

- 1 Total open space includes usable open space plus any other areas to be left as open space.
- 2 Usable open space includes private exterior open space and common open space that is functional to residents.
- 3 For open space requirements for residential rural cluster *development* with increased *density* in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, see Section 143.0450(c).

(2) (No change)

(3) (No change)

(4) (No change)

(5) (No change)

(6) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0430 Supplemental Planned Development Permit Regulations for Residential Development in RS Zones in Urbanized Communities

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, *developments* requesting a Planned Development Permit in the *Urbanized Communities* in the RS Zones or in areas combining RS and any other zone permitting residential use are subject to the following regulations:

(a) (No change)

(b) (No change)

(c) (No change)

(d) (No change)

§143.0440 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development in the AR and OR Zones

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential Planned Development Permits for rural cluster *developments* in the AR and OR zones:

(a) *Density*

- (1) Within the AR zones, the maximum residential *density* permitted shall be as specified in the applicable zone, with the units clustered to preserve the remainder of the *premises* in its natural state until and if complete *development* at urban *densities* is ever deemed appropriate. Within *Proposition A Lands*, the reservation of future *development* potential will require the use of covenants, conditions, restrictions, or other mechanisms as determined by the City Manager to insure that the undeveloped portion of the property remains undeveloped until the *Proposition A Lands* are shifted to a *Planned Urbanized Community*.
- (2) (No change)
- (3) (No change)
- (4) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total permitted residential *density*.

(b) (No change)

(c) Open Space Requirement

- (1) (No change)
- (2) (No change)
- (3) (No change)
- (4) Recreational facilities shall be designed to serve only the occupants and guests of the *development*. However, within *Proposition A Lands* and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public means a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.
- (5) Within *Proposition A Lands* and outside the Coastal Overlay Zone, the area of a golf course meeting the criteria of Section 143.0440(c)(4) may be used in the calculation of total required open space.

§143.0450 Supplemental Planned Development Permit Regulations for Residential Rural Cluster Development with Increased Density

In addition to the general regulations for all Planned Development Permits and supplemental regulations for residential *developments*, the following regulations apply to all residential rural cluster *developments* requesting increased *density* that are located in the AR-1-1 and OR-1-2 zones within *Proposition A Lands*. Approval of a proposed *development* in accordance with this section shall require the *findings* in Section 126.0604(b) to be made.

- (a) *Density*

- (1) Within the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, except within the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance No. O-18337, the maximum permitted *density* with the increased *density* rural cluster alternative is one *dwelling unit* per 4 acres with the *dwelling units* clustered. The remainder of the *premises* where no *development* is proposed shall be maintained in its natural state with no future *development* potential. The utilization of this increased *density* alternative shall require the provision of housing within the *premises*, affordable to *low* or *very low income families*, in accordance with Section 143.0450(d). For *development* within the Del Mar Mesa Specific Plan area the *development* regulations identified in the Del Mar Mesa Specific Plan adopted on May 27, 1997 by Ordinance O-18337 apply.
- (2) (No change)
- (3) (No change)
- (b) (No change)
- (c) Open Space Requirements
 - (1) (No change)
 - (2) (No change)
 - (3) (No change)
 - (4) (No change)
 - (5) (No change)
 - (6) Recreational facilities shall be designed to serve only the occupants and guests of the planned *development*. However, within *Proposition*

A Lands and outside the Coastal Overlay Zone, golf courses open to the public and their customary incidental, supportive facilities (excluding lodging facilities) need not be restricted provided that a permanent and irrevocable open space easement is established that covers the area of the golf course. A golf course open to the public shall mean a public golf course or a private golf course on public or private land that is open to the public on a daily fee basis or that offers memberships to the public.

(7) (No change)

(d) Affordable Housing Requirement for Increased *Density* Rural Cluster
Development:

In the AR-1-1 and OR-1-2 zones within *Proposition A Lands*, Planned Developments using the increased *density* rural cluster alternative are required to provide housing units within the *development*, that are affordable to *low income families*, as certified by the San Diego Housing Commission.

(1) (No change)

(2) (No change)

(3) (No change)

(4) (No change)

(e) Subarea Plan Requirement in the North City Future Urbanizing Area

(1) Within the North City Future Urbanizing Area that is within *Proposition A Lands*, a subarea plan shall be prepared pursuant to the General Plan. The subarea plan shall be developed consistent with the North City Future Urbanizing Area Framework

Plan, as approved by the California Coastal Commission on May 14, 1993. Alternatively, the *applicant* must demonstrate that, at a minimum, all public facilities within the subarea (as designated by the General Plan) have been sited; a Purchase Agreement for the public facility sites has been completed; mixed-use centers within the subarea have been sited; the *street* system to access the mixed use centers and public facilities has been aligned; a financing plan for the project area, subarea, or larger planning area has been completed; and open space boundaries have been refined if the project deviates from the *MHPA* boundaries shown in the General Plan.

(2) (No change)

Section 21. That Chapter 14, Article 3, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending Section 143.0915 to read as follows:

§143.0915 When Affordable/In-Fill Housing and Sustainable Buildings Regulations Apply

These regulations apply to the following types of residential *development*:

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) Residential *development* of 10 or more *dwelling units* within the *Urbanized Communities* of the City, provided that all of the *dwelling units* are affordable to households earning no more than 150% average median income and where applicable, the *development* does not reduce the number of affordable units previously existing.
- (e) (No change)

(f) (No change)

(g) (No change)

Section 22. That Chapter 14, Article 4, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 144.0206 to read as follows:

§144.0206 Requirements for Tentative Maps in Planned Urbanized Communities

Tentative maps of property in the *Planned Urbanized Communities* may be approved if they comply with one of the following conditions.

(a) *Tentative maps* of property in the *Planned Urbanized Communities* may be approved if the following conditions are required to be met before *final map* or *parcel map* approval:

(1) (No change)

(2) (No change)

(3) (No change)

(b) *Tentative maps* of property in *Planned Urbanized Communities* may be approved before development of an implementation program for financing *public improvements* in accordance with Section 125.0442 if the *subdivider* enters into a binding Development Agreement with the City by which the *subdivider* consents to future establishment of any necessary assessment districts covering the subject community financing plan area and by which the *subdivider* consents to payment of an estimated facilities benefit assessment fee at the time of building permit issuance. The Development Agreement shall provide for the possibility of an under payment or over payment of the estimated fee and for reimbursement of a portion of, or supplementation of,

the fees as may be required. The resolution approving the *tentative map* shall specify all such conditions.

Section 23. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 24. Except in the Coastal Overlay Zone, this ordinance shall take effect and be in force on the thirtieth day from and after its passage. Within the Coastal Overlay Zone, this ordinance shall be in force and effect on the date it is effectively certified by the California Coastal Commission as a City of San Diego Local Coastal Program amendment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By: _____
Nina M. Fain
Deputy City Attorney

NMF:mm
2/22/08
3/05/08 CORR.COPY
Or. Dept: CPCI
O-2008-114
MMS#5931

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor